

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



are the Application of:

HOLE, Doug, et al.

Serial No.: 10/658,665

Filed: September 9, 2003

For: **USE OF NITRIC OXIDE AND A
DEVICE IN THE THERAPEUTIC
MANAGEMENT OF PATHOGENS IN
MAMMALS**

)
Group Art Unit: 3761
)
Examiner: DEAK, Leslie R.
)
Confirmation No.: 2000
)
)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97(c)(2)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, the items identified in the attached Supplemental Information Disclosure Statement (“IDS”) Form PTO/SB/08 (also form PTO-1449) are brought to the attention of the Patent Office. Copies of the cited references are submitted herewith.

The items identified in this Supplemental IDS may or may not be “material” pursuant to 37 C.F.R. § 1.56. The submission thereof by Applicant is not to be construed as an admission

**CERTIFICATE OF MAILING
(37 C.F.R. § 1.8a)**

06/19/2007 AHMADI 00000016 501597 10658665

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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in a box addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

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Carolyn L. Evans
Carolyn L. Evans

that any such patent, publication or other information referred to therein is material or considered to be material (37 C.F.R. § 1.97(h)), or even qualifies as "prior art" under 35 U.S.C. § 102 with respect to this invention unless specifically designated by Applicant as such.

The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).

The Commissioner is hereby authorized to charge any fees required by the filing of these papers to Sidley Austin LLP's Deposit Account No. **50-1597**.

Respectfully submitted,

SIDLEY AUSTIN LLP

Dated: June 15, 2007

By: 
Carissa A. Tener
Reg. No. 52,278

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Application Number	10/658,665
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First Named Inventor	HOLE, Doug
Art Unit	Unknown
Examiner Name	Unassigned

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of

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Attorney Docket Number 24647-81901 (0-03-192)

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US- 3,036,584	05/1962	Lee, A. S. J.	
	2	US- 3,192,106	06/1965	Bracken et al.	
	3	US- 4,127,121	11/1978	Westenskow et al.	
	4	US- 4,191,952	03/1980	Schreiber et al.	
	5	US- 4,224,941	09/1980	Stivala	
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	9	US- 4,442,856	04/1984	Betz et al.	
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	25	US- 5,536,241	07/1996	Zapol	
	26	US- 5,531,218	07/1996	Krebs	

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Art Unit	Unknown
Examiner Name	Unassigned

Attorney Docket Number

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		Number-Kind Code ² (if known)			
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	55	US- 5,918,596	07/1999	Heinonen	
	56	US- 5,597,880	09/1999	Igo et al.	
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	58	US- 6,019,100	02/2000	Alving et al.	
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	60	US- 6,063,407	05/2000	Zapol et al.	
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	80	US- 6,379,660 B1	04/2002	Saavedra et al.	

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Sheet 4 of 19 Attorney Docket Number 24647-81901 (0-03-192)

U. S. PATENT DOCUMENTS (Continued)

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		Number-Kind Code ² (if known)			
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82	US- 6,472,390 B1		10/2002	Stamler et al.	
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87	US- 6,581,599 B1		06/2003	Stenzler	
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Sheet 5 of 19 Attorney Docket Number 24647-81901 (0-03-192)

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		Number-Kind Code ² (if known)			
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137	US- 2005/0148566		07/2005	Waterhouse et al.	
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150	US- 2007/0088316		04/2007	Stenzler et al.	
151	US- 2007/0104653		05/2007	Miller et al.	

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		Country Code ³ "Number ⁴ "Kind Code ⁵ (if known)				
152	EP 0640356 A1		03/1995	Siemens Elema AB		
153	EP 0640357 A1		03/1995	Rydgren, Göran		
154	EP 0659445 A1		06/1995	Bathe, D. et al.		
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157	FR 2656218		06/1991	Gérard, M.		✓

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/658,665
Filing Date	September 9, 2003
First Named Inventor	HOLE, Doug
Art Unit	Unknown
Examiner Name	Unassigned
Attorney Docket Number	24647-81901 (0-03-192)

Sheet

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24647-81901 (0-03-192)

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				Art Unit	Unknown
				Examiner Name	Unassigned
				Attorney Docket Number	24647-81901 (0-03-192)

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
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		First Named Inventor	HOLE, Doug
		Art Unit	Unknown
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		Filing Date	September 9, 2003		
		First Named Inventor	HOLE, Doug		
		Art Unit	Unknown		
		Examiner Name	Unassigned		
Sheet	10	of	19	Attorney Docket Number	24647-81901 (0-03-192)

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Sheet	11	of	19	Attorney Docket Number	24647-81901 (0-03-192)
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(Use as many sheets as necessary)				Filing Date	September 9, 2003
				First Named Inventor	HOLE, Doug
				Art Unit	Unknown
				Examiner Name	Unassigned
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Examiner Signature		Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/658,665
<i>(Use as many sheets as necessary)</i>				Filing Date	September 9, 2003
				First Named Inventor	HOLE, Doug
				Art Unit	Unknown
				Examiner Name	Unassigned
Sheet	19	of	19	Attorney Docket Number	24647-81901 (0-03-192)

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Applicant: HOLE, Doug, et al.
Serial No.: 10/658,665
For: USE OF NITRIC OXIDE AND A DEVICE IN THE THERAPEUTIC
MANAGEMENT OF PATHOGENS IN MAMMALS
Filed: September 9, 2003

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Attorney: Carissa A. Tener
Docket No.: 24647-81901 (D-03-192)
Date of Deposit: June 15, 2007

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LAI 942509v.1